

## DROUGHT CONTINGENCY PLAN

ORDINANCE NO. 96

**AN ORDINANCE OF THE CITY OF PETROLIA, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the City of Petrolia, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that, as a result of natural limitations due to drought conditions and other acts of God, an uninterrupted water supply cannot be guaranteed for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of the City of Petrolia, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PETROLIA, TEXAS:

### **SECTION 1.**

That the City of Petrolia, Texas, Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

### **SECTION 2.**

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed; and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.**

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

**SECTION 4.**

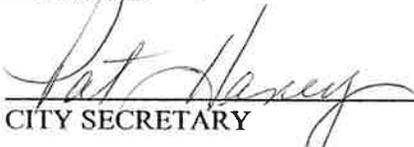
This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF PETROLIA, TEXAS, on the 7th day of March, 2000.

APPROVED:

  
\_\_\_\_\_  
MAYOR

ATTESTED TO:

  
\_\_\_\_\_  
CITY SECRETARY

## **EXHIBIT A**

# **DROUGHT CONTINGENCY PLAN FOR THE CITY OF PETROLIA**

### **SECTION I. DECLARATION OF POLICY, PURPOSE, AND INTENT**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Petrolia hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

### **SECTION II. PUBLIC INVOLVEMENT**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Petrolia by means of a public hearing.

### **SECTION III. PUBLIC EDUCATION**

The City of Petrolia will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by newspaper notification.

### **SECTION IV. COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

The service area of the City of Petrolia is located within the Region B Regional Water Planning Area, and the City of Petrolia has provided a copy of this Plan to the Region B Regional Water Planning Group.

### **SECTION V. AUTHORIZATION**

The Mayor, the Utility Manager, and/or their respective designees are hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor, the Utility Manager, and/or their respective designees shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## SECTION VI. APPLICATION

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Petrolia. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## SECTION VII. DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: Any person, company, or organization using water supplied by the City of Petrolia.

Domestic water use: Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: Water uses that are not essential nor required for the protection of public health, safety, and welfare, including:

- (a) Irrigation of landscaped areas, including parks, athletic fields, and golf courses;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;

- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting and flushing of lines to maintain a potable water supply.

Odd numbered address: Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

## **SECTION VIII. TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES**

The Mayor, the Utility Manager, and/or their respective designees shall monitor water supply and/or demand conditions and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in the local weekly paper, announcement on local television and radio stations, and direct mailed notifications.

The triggering criteria described below are based on the raw water supply capacity in the City Lake. Other than in cases of catastrophic failure or contamination of part or all of the system, the limiting factor is the remaining lake capacity or lake level.

### **Stage 1 - Mild Water Shortage Conditions**

Requirements for initiation: Customers shall be notified by the Mayor, Utility Manager, and/or their respective designees, through the previously described means of publication when the Petrolia City Lake reaches 60% of capacity.

Requirements for termination: Stage 1 of the Plan may be rescinded when the conditions of mild water shortage, as previously described, no longer exist.

## **Stage 2 - Moderate Water Shortage Conditions**

Requirements for initiation: Customers shall be required to comply with the requirements and water use restrictions provided in Section IX for Stage 2 of this Plan when the Petrolia City Lake reaches 50% of capacity.

Requirements for termination: Stage 2 of the Plan may be rescinded when the conditions of moderate water shortage, as previously described, no longer exist.

## **Stage 3 - Severe Water Shortage Conditions**

Requirements for initiation: Customers shall be required to comply with the requirements and water use restrictions provided in Section IX for Stage 3 of this Plan when the Petrolia City Lake reaches 35% of capacity.

Requirements for termination: Stage 3 of the Plan may be rescinded when the conditions of moderate water shortage, as previously described, no longer exist.

## **Stage 4 - Emergency Water Shortage Conditions**

Requirements for initiation: Customers shall be required to comply with the requirements and water use restrictions provided in Section IX for Stage 4 of this Plan when the Mayor, the Utility Manager, and/or their respective designees, determine that a water supply emergency exists. Conditions that may result in a water supply emergency may include, but are not limited to, the following:

- (a) Major water line breaks, pump failures, or other major system failures; or
- (b) Natural or man-made contamination of water supply source(s);

Requirements for termination: Stage 4 of the Plan may be rescinded when the conditions of emergency water shortage, as previously described, no longer exist.

## **SECTION IX. DROUGHT RESPONSE STAGES**

The Mayor, the Utility Manager, and/or their respective designees shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine when a mild, moderate, severe, or emergency condition exists and shall implement the following actions by providing notice in accordance with the provisions of Section VIII.

### **Stage 1 - Mild Water Shortage Conditions**

#### Goal

Raise public awareness.

## **Stage 2 - Moderate Water Shortage Conditions**

### Goal

Achieve a 15% reduction in total water use.

### Water Use Restrictions

All requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) and to irrigate landscapes only between the hours of 8:00 p.m. and 8:00 a.m.;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 10:00 a.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are at risk.
- (c) The use of water for washing sidewalks, driveways, parking areas, streets, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards is prohibited;
- (d) Use of water to fill, refill, or add to any indoor or outdoor swimming, wading, or jacuzzi-type pools is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 10:00 a.m.; and
- (e) The use of water from fire hydrants shall be limited to fire fighting-related activities or other activities necessary to maintain health, safety, and welfare. Routine flushing of fire hydrants for other than health and safety reasons is prohibited. This restriction does not apply to businesses which require the use of water for land development and building construction processes.

## **Stage 3 - Severe Water Shortage Conditions**

### Goal

Achieve a 30% reduction in total water use.

### Water Use Restrictions

All requirements of Stage 2 shall remain in effect during Stage 3. Under threat of penalty for violation, the following water use restrictions shall also apply to all persons:

- (a) All outdoor irrigation of vegetation by hand-held hoses or hand-held watering cans may occur only between the hours of 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on designated outdoor water use days. Irrigation, including but not limited to foundation watering, using permanently installed irrigation systems, hose-end irrigation, or drip irrigation is prohibited;
- (b) No new landscapes of any type may be established;
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited;
- (d) The filling, refilling, or adding of water to swimming, wading, and jacuzzi-type pools is prohibited;
- (e) Watering of Livestock is prohibited; and
- (f) The use of water from fire hydrants shall be limited to fire fighting-related activities or other activities necessary to maintain health, safety, and welfare. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.

### **Stage 4 - Emergency Water Shortage Conditions**

#### Goal

In the event of failure or contamination of a major component of the water system, discontinue operation of the water system, or that portion of the system affected.

#### Water Use Restrictions

The Mayor, the Utility Manager, and/or their respective designees, will manage the City of Petrolia limited water supply by requiring such measures as are necessary to maintain public health and safety, including elimination of service to part, or all, of the water system.

### **SECTION X. EXEMPTIONS**

The restrictions set forth in Section IX shall not apply to the following uses of water;

- (a) To alleviate conditions threatening health, safety, or welfare of the public;
- (b) For municipal operations of flushing water lines for public health purposes;
- (c) For the suppression of fires; and
- (d) For commercial businesses that use water to maintain (but not expand) their primary business practices (e.g., commercial car and truck washes, nurseries, turf growers, water haulers, concrete pavers, etc.).

## **SECTION XI. ENFORCEMENT**

All violations of Stages 2 through 4 shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each and every day of any violation shall constitute a separate offense.

## **SECTION XII. VARIANCES**

The Mayor, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if one of the following conditions is met:

- (a) It is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or welfare of the public;
- (b) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
- (c) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City of Petrolia within 5 days after the plan for a particular drought response stage has been invoked. All petitions for variance will be reviewed by the City Council, and, therefore, shall include the following:

- (a) Name and address of the petitioner(s);
- (b) Purpose of water use;
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief;
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner, or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- (e) Description of the relief requested;
- (f) Period of time for which the variance is sought;
- (g) Alternative water use restrictions or other measures the petitioner is taking, or proposes to take, to meet the intent of this Plan and the compliance date; and
- (h) Other pertinent information.

Variations granted by the City of Petrolia shall be subject to the following conditions, unless waived or modified by the City Council:

- (a) Variations granted shall include a timetable for compliance; and
- (b) Variations granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.